THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12922_OF 2006

BETWEEN:

Hasan Ahmed

…Petitioner

vs.

The Assistant Commissioner Endowments Department,Guntur and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 12922 OF 2006

ORAL ORDER

The petitioner's father late Bade Saheb was cultivating the lands of Sri Sitarama Swamy temple, Old Mangalagiri, Guntur District till 08-01-2005 on which date he passed away. Thereafter the petitioner continued *defacto* on an oral understanding between the 2nd respondent and the petitioner. The petitioner also claims to have paid makta of Rs.2144/- to the 2nd respondent. Now the 2nd respondent has issued an auction notice dated.19-06-2006 proposing public auction of the leasehold rights of the lands of the Devastanam. The auction is scheduled on 28-06-2006.

The petitioner states that as he has stepped into the shoes of his late father, he should be considered as a continuing cultivating tenant of the Devastanam lands and should be considered for grant of the benefits to landless poor persons under Sec.82 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act,1987 (for short "the Act") and that on such substrate premises, the proposed auction on 28-06-2006 should be interdicted and set aside.

The entire premise of the petitioner is misconceived. The petitioner was, on his own showing never a tenant of the respondent-Devastanam's lands. No endowment authority including the Manager of Sri Sitarama Swamy Devastanam, Old Mangalagiri, Guntur District

has any authority to enter into oral leases. Any person entering into such non-formal agreement is neither disentitled to sustain any legitimate relationship that requires to be protected in law. Since the petitioner is not a cultivating tenant within the meaning of the expression in Sec.82 of the Act the petitioner cannot even apply for being declared as a landless poor person and therefore to the benefits under Sec.82 of the Act. The petitioner's entitlement to the lands is not one, which is recognized in law. The petitioner has no legal right to resist the public auction of the lands of the temple for grant of leasehold rights. His only claim is to be permitted to participate in the auction. Such right he has and that right is not deprived by the impugned notification of the 2nd respondent.

There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission after hearing the learned counsel for the petitioner and the learned Government Pleader for Endowments also with liberty preserved in the petitioner to participate in the public auction and compete in the market for grant of lease.

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GODA RAGHURAM,J

27th JUNE 2006
*TSNR